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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/601,810 08/03/00 COLVER

R 1518.005

EXAMINER

PM82/0615

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ART UNIT

PAPER NUMBER

3635

DATE MAILED:

06/15/01

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/601,810

Applicant(s)

COLVER, ROBERT JOHN

Examiner

Chi Q Nguyen

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/9/01.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-22 is/are rejected.
- 7) ☒ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 4/9/01 have been fully considered but they are not persuasive. With respect to claims 12-22 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 13 recites the limitation "furring runners formed of top hat sections" is not disclosed.
3. Claim 12 recites the limitation "sheeting attached to the runners to form an enclosure" is not disclosed.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 12-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perri (U.S. Pat. No. 3,638,380) in view of Gromat (U.S. Pat. No. 5,950,374) and Bolt (U.S. Pat. No. 2,877,875).

With regards claims 12-20, Perri discloses a modular high-rise structure stacked side by side comprising at least three parallel vertically metal frame members 11, 13, a plurality

Art Unit: 3635

of parallel horizontal runners 15, 17, each frame member 11, 13 having four interconnected frame sections (not labeled), angled corner member 13 (fig. 1).

Perri does not disclose expressly sheeting attached to the runners to form an enclosure, each frame member comprises four welded joists of C-shaped cross-section.

Gromat teaches a prefabricated building system including a plurality of modular building stacked side by side with sheeting 25 (fig. 1) attached thereto and all panel frame sections are formed as welded (col. 4, line 13). Bolt further teaches a support member 18 having a C-shaped configuration. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Perri and Gromat with Bolt. The motivation for doing so would have been to provide a complete connection for modular building member.

6. Claims 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perri in view of Gromat and Bolt.

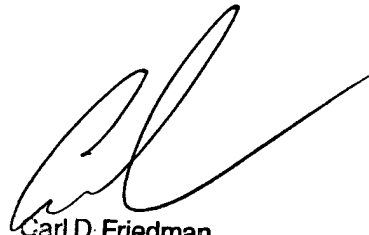
With regards method claims, Perri, Gromat and Bolt disclosed the structural elements for the modular building except for the method of assembly. Examiner considers it inherent from the structure disclosed by Perri, Gromat and Bolt that the same method indicated in claim 21-22 would obviously be used horizontal runners welded to vertical building members and attached the sheeting thereto.

Art Unit: 3635

Conclusion

7. Any inquiry concerning this communication should be directed to Chi Q. Nguyen whose telephone number is (703) 605-1224, Monday-Thursday (7:00-5:00), Fridays off or the examiner's supervisor Carl D. Friedman (703) 308-0839.

CQN 6/6/01

A handwritten signature in black ink, appearing to be 'CDF', written over the printed name.

Carl D. Friedman
Supervisory Patent Examiner
Group 3600